

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Roy Averette

Case No.

Case: 2:21-mj-30266

Judge: Unassigned,

Filed: 06-02-2021 At 09:49 PM

IN RE:SEALED MATTER(MLW)(CMP)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 6, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g) (1)	Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

S/A Marquis Shannon

Complainant's signature

Marquis Shannon, Special Agent, ATF

Printed name and title

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Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

Date: June 2, 2021

City and state: Detroit, Michigan

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, Special Agent Marquis Shannon, being duly sworn, hereby state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed with the ATF for over seven years. As a Special Agent, I am currently assigned to the Detroit Field Office. I have conducted and participated in numerous criminal investigations focused on firearms and narcotics violations. I am a graduate of the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my employment with ATF, I was employed as a State Trooper with the Ohio State Highway Patrol for approximately seven-and-a-half years from 2006 through 2014. I earned a bachelor's degree from The Ohio State University.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including reports from other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. ATF is currently conducting a criminal investigation concerning ROY AVERETTE (“Schizo”), (DOB XX/XX/1985) for violations of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm), among other state and federal criminal violations.

PROBABLE CAUSE

4. On May 03, 2021, ATF agents obtained a federal search warrant for xxxx Saratoga Street, Detroit, MI 48205, the residence of Roy AVERETTE.

5. On May 06, 2021, ATF agents and other law enforcement personnel executed the federal warrant at AVERETTE’s home on Saratoga Street in Detroit, Michigan. AVERETTE and two minor children were present when agents searched the home. Agents identified the southeast bedroom as belonging to AVERETTE.

6. Inside the southeast bedroom, agents recovered the following items:

- One (1) loaded FN, model FNS-9C, 9mm, semiautomatic pistol, bearing serial number CSU0047803, loaded with fourteen (14) rounds of 9mm ammunition (one round in the chamber).
- One (1) Glock brand extended magazine, loaded with thirty-two (32) rounds of 9mm ammunition.

- Two (2) partially filled boxes of ammunition, containing a total of eighteen (18) rounds of 9mm ammunition.
- One (1) FN pistol box, containing one (1) empty pistol magazine and one (1) pistol magazine loaded with six (6) rounds of 9mm ammunition.
- Identification cards belonging to AVERETTE, including a MDOC prison identification card and a driver's license listing xxxxx Saratoga Street, Detroit, Michigan as AVERETTE's address.

7. During this investigation, I reviewed data from the National Crime Information Center (NCIC) for Roy AVERETTE, which revealed the following felony convictions:

- 01/15/2008; Unarmed Robbery, 3rd Circuit Court, Detroit, MI;
Sentenced to 1 year of incarceration WCJ and 5 years' probation.
- 08/30/2012; Felony Firearm, 3rd Circuit Court, Detroit, MI; Sentenced to 2 years' incarceration MDOC.

8. On May 30, 2021, I contacted ATF Interstate Nexus Expert and Special Agent Michael Jacobs, regarding the status of the firearm recovered from

AVERETTE's bedroom. Special Agent Jacobs stated the firearm, based on the description provided, without conducting a physical examination, was manufactured outside of the state of Michigan after 1898, and therefore had traveled in and affected interstate commerce.

CONCLUSION

9. Based on the aforementioned facts, there is probable cause to believe ROY AVERETTE (DOB: XX/XX/1985), a convicted felon aware of his felony convictions, did knowingly and intentionally possess a FN, model FNS-9C, 9mm, semiautomatic pistol, said firearm having affected interstate commerce, in violation of 18 U.S.C. § 922(g)(1) – felon in possession of a firearm. Said violation occurring on or about May 6, 2021, in the Eastern Judicial District of Michigan.

S/A Marquis Shannon

Marquis Shannon
Special Agent, ATF

Sworn to before me and signed in my presence
and/or by reliable electronic means

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Hon. Anthony P. Patti
United States Magistrate Judge
Dated: June 2, 2021